

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73056

Stacey Lane Asbury

115 Bennett Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201; 35-5-302; Baltimore county Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D on residential property known as 115 Bennett Road, 21221.

On March 1, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christine Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,800.00 (five thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 29, 2010 for removal of open dump/junk yard, remove trash and debris, store garbage in cans with tight lids, store all garbage in trash cans. This Citation was issued on March 1, 2010.

B. Photographs in the file show junk, trash, debris and household items scattered in the yard and piled on the front porch, including old lumber, pipes, old furniture, and trash. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection on March 23, 2010 found no improvement.

C. Review of the file shows that this property has a history of similar violations. If the violations are not corrected within the time provided below, the County will be authorized to enter the property to correct the violations, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by April 14, 2010, with all junk, trash and debris removed or properly stored in cans with tight lids.

IT IS FURTHER ORDERED that if the violations are not corrected, after April 14, 2010 the County may enter the property for the purpose of removing all junk, trash and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31<sup>st</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer